

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 23834 PERMIT 16674 LICENSE

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE

WHEREAS:

1. Permit 16674 was issued to Edwards H. Metcalf on October 3, 1974 pursuant to Application 23834.
2. Permit 16674 was subsequently assigned to St. Supery Vineyards and Winery.
3. A petition for an extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
4. The permittee has proceeded with diligence and good cause has been shown for the extension of time.

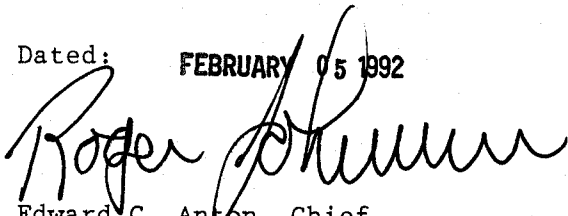
NOW, THEREFORE, IT IS ORDERED THAT:

1. Condition 7 of the permit be amended to read:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 31, 1995 (0000009)

Dated: FEBRUARY 05 1992


Edward C. Anton, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

(OVER)

APPLICATION 23834

PERMIT 16674

LICENSE _____

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE AND AMENDING THE PERMIT

WHEREAS:

1. A petition for extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
2. The permittee has proceeded with diligence and good cause has been shown for extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Paragraph 7 of the permit is amended to read as follows:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 1, 1990

2. Paragraph 9 of this permit is deleted. A new Paragraph 9 is added as follows:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.


The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

3. Paragraph 18 of this permit is deleted. A new Paragraph 18 is added as follows:

Permittee shall consult with the Division of Water Rights and develop and implement a water conservation plan or actions. The proposed plan or actions shall be presented to the Board for approval within one year from the date of this order or such further time as may, for good cause shown, be allowed by the Board. A progress report on the development of a water conservation plan may be required by the Board within this period. dk

Dated: APRIL 29 1986


Lloyd Johnson, Interim Chief
Division of Water Rights

5/22/90 assigned to St. Supery Vineyard
and Winery

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 23834

PERMIT 16674

LICENSE _____

ORDER APPROVING A CHANGE IN PURPOSE OF USE,
PLACE OF USE, A CHANGE AND CORRECTION IN
POINTS OF DIVERSION AND REDIVERSION, AND
AMENDING THE PERMIT

WHEREAS:

1. A petition to change and correct the points of diversion and rediversion and change the purpose of use and place of use has been filed with the State Water Resources Control Board.
2. The Board has determined that the petitioned changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Paragraph 3 of this permit regarding purposes of use is amended to read as follows:

Irrigation, Frost Protection, Heat Control, Stockwatering and Recreational uses
2. Paragraph 2 of this permit regarding points of diversion and rediversion is amended to read as follows:

Points of Diversion:

Maxwell Creek: South 5,595 feet and West 2,790 feet from NE corner of Section 24, T9N, R5W, MDB&M, being within NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 25, T9N, R5W, MDB&M.

Points of Rediversion:

State Dam: South 5,210 feet and West 4,370 feet from NE corner of Section 24, T9N, R5W, MDB&M, being within NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 25, T9N, R5W, MDB&M.

Sister Lake: North 20°45' West, 11,500 feet from SE corner of Locoallomi Rancho, being within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 24, T9N, R5W, MDB&M.

Trailer Lake: South 4,970 feet and West 1,035 feet from NE corner of Section 24, T9N, R5W, MDB&M, being within SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 24, T9N, R5W, MDB&M.

Lower Lake: North 14°45' West, 8,375 feet from SE corner of Locoallomi Rancho, being within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 25, T9N, R5W, MDB&M.

- Upper Lake: North 2°30' West, 8,550 feet from SE corner of Locoallomi Rancho, being within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of projected Section 30, T9N, R4W, MDB&M.
- Fish Lake: North 12°30' East, 7,620 feet from SE corner of Locoallomi Rancho, being within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 30, T9N, R4W, MDB&M.
- No Road Lake: North 22°45' East, 7,900 feet from SE corner of Locoallomi Rancho, being within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 30, T9N, R4W, MDB&M.

3. The place of use under this permit is amended as follows:

Stockwatering and recreational use at the seven lakes and irrigation, frost protection, and heat control is a net acreage of 600 acres within a reduced area of 1,580 acres located within Sections 23, 24 and 25, T9N, R5W, MDB&M, and Sections 18, 19, 29 and 30, T9N, R4W, MDB&M, as shown on map on file with the State Water Resources Control Board.

Dated: DECEMBER 21 1984

Raymond Walsh

Raymond Walsh, Chief
Division of Water Rights

P. 16674

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 23834

PERMIT 16674

LICENSE _____

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE

WHEREAS:

1. A petition for extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
2. The permittee has proceeded with diligence and good cause has been shown for extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Order 1, in the Order dated January 14, 1980 is rescinded.
2. Order 2, in the Order dated January 14, 1980 is rescinded.
3. Paragraph 7 of the permit is amended to read as follows:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 1, 1984 (0000009)

4. Paragraph 18 is added to this permit as follows:

The State Water Resources Control Board, under its authority to conserve the public interest, retains continuing authority over this permit to require permittee to develop and implement a water conservation program, after notice and opportunity for hearing. The requirements of this term may be satisfied by permittee's compliance with any comprehensive water conservation program, approved by the State Water Resources Control Board, which may be imposed by a public agency.

Dated: **NOVEMBER 23 1981**

Raymond Walsh

Raymond Walsh, Chief
Division of Water Rights

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 23834

PERMIT 16674

LICENSE _____

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE
AND AMENDING PERMIT

WHEREAS:

1. A petition for extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
2. It appears that the permittee has proceeded with diligence and that good cause has been shown for extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Paragraph 7 of the permit is amended to read as follows:

SAID CONSTRUCTION WORK SHALL BE
COMPLETED ON OR BEFORE

DECEMBER 1, 1980 (0000008)

2. Paragraph 8 of the permit is amended to read as follows:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

DECEMBER 1, 1980 (0000009)

3. Paragraph 9 of the permit is deleted. A new paragraph 9 is added as follows:

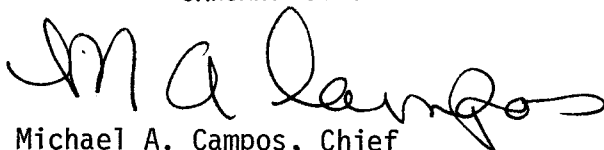
Pursuant to California Water Code Sections 100 and 275, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be

required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

(0000012)

Dated: JANUARY 14 1980

A handwritten signature in dark ink, appearing to read "Michael A. Campos", written in a cursive style.

Michael A. Campos, Chief
Division of Water Rights

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 16674

Application 23834 of EDWARDS H. METCALF

2118 HUNTINGTON DRIVE, SAN MARINO, CALIFORNIA 91108

filed on AUGUST 2, 1971, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

MAXWELL CREEK

POPE CREEK THENCE

LAKE BERRYESSA THENCE

PUTAH CREEK

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridian
SOUTH 550 FEET AND EAST 2,060 FEET FROM NW CORNER OF SECTION 25	NE1/4 OF NW1/4	25	9N	5W	MD
POINTS OF REDIVERSION:					
SOUTH 200 FEET AND EAST 600 FEET FROM NW CORNER OF SECTION 25	NW1/4 OF NW1/4	25	9N	5W	MD
NORTH 520 FEET AND EAST 1,150 FEET FROM SW CORNER OF SECTION 24	SW1/4 OF SW1/4	24	9N	5W	MD
NORTH 350 FEET AND EAST 2,550 FEET FROM SW CORNER OF SECTION 24	SW1/4 OF SE1/4	24	9N	5W	MD

County of NAPA

3. Purpose of use:	4. Place of use:	Section	Town- ship	Range	Base and Meridian	Acres
STOCKWATERING						
RECREATIONAL	AT METCALF RESERVOIR IN SW1/4	24	9N	5W	MD	
	E1/2 OF SE1/4	23	9N	5W	MD	
	NW1/4 OF NW1/4	25	9N	5W	MD	
IRRIGATION	600 ACRES NET WITHIN A GROSS AREA OF 2,250 ACRES WITHIN SECTIONS 19, 20, 29, 30, 31, AND 32, T9N, R4W, MDB&M; AND SECTIONS 23, 24, 25, AND 26, T9N, R5W, MDB&M.					

The place of use is shown on map filed with the State Water Resources Control Board.

5. THE WATER APPROPRIATED SHALL BE LIMITED TO THE QUANTITY WHICH CAN BE BENEFICIALLY USED, AND SHALL NOT EXCEED 1,045 ACRE-Feet PER ANNUM TO BE COLLECTED FROM SEPTEMBER 15 OF EACH YEAR TO MAY 31 OF THE SUCCEEDING YEAR.

THIS PERMIT DOES NOT AUTHORIZE COLLECTION OF WATER TO STORAGE OUTSIDE OF THE SPECIFIED SEASON TO OFFSET EVAPORATION AND SEEPAGE LOSSES OR FOR ANY OTHER PURPOSE.

THE MAXIMUM RATE OF DIVERSION TO OFFSTREAM STORAGE SHALL NOT EXCEED 10 CUBIC FEET PER SECOND. (0000005)

6. THE AMOUNT AUTHORIZED FOR APPROPRIATION MAY BE REDUCED IN THE LICENSE IF INVESTIGATION WARRANTS. (0000006)

7. COMPLETE APPLICATION OF THE WATER TO THE PROPOSED USE SHALL BE MADE ON OR BEFORE DECEMBER 1, 1976. (0000009)

8. PROGRESS REPORTS SHALL BE SUBMITTED PROMPTLY BY PERMITTEE WHEN REQUESTED BY THE STATE WATER RESOURCES CONTROL BOARD UNTIL LICENSE IS ISSUED. (0000010)

9. ALL RIGHTS AND PRIVILEGES UNDER THIS PERMIT AND UNDER ANY LICENSE ISSUED PURSUANT THERETO, INCLUDING METHOD OF DIVERSION, METHOD OF USE, AND QUANTITY OF WATER DIVERTED, ARE SUBJECT TO THE CONTINUING AUTHORITY OF THE STATE WATER RESOURCES CONTROL BOARD IN ACCORDANCE WITH LAW AND IN THE INTEREST OF THE PUBLIC WELFARE TO PREVENT WASTE, UNREASONABLE USE, UNREASONABLE METHOD OF USE, OR UNREASONABLE METHOD OF DIVERSION OF SAID WATER.

THIS CONTINUING AUTHORITY OF THE BOARD MAY BE EXERCISED BY IMPOSING SPECIFIC REQUIREMENTS OVER AND ABOVE THOSE CONTAINED IN THIS PERMIT WITH A VIEW TO MINIMIZING WASTE OF WATER AND TO MEETING THE REASONABLE WATER REQUIREMENTS OF PERMITTEE WITHOUT UNREASONABLE DRAFT ON THE SOURCE. PERMITTEE MAY BE REQUIRED TO IMPLEMENT SUCH PROGRAMS AS (1) REUSING OR RECLAIMING THE WATER ALLOCATED; (2) RESTRICTING DIVERSIONS SO AS TO ELIMINATE AGRICULTURAL TAILWATER OR TO REDUCE RETURN FLOW; (3) SUPPRESSING EVAPORATION LOSSES FROM WATER SURFACES; (4) CONTROLLING PHREATOPHYTIC GROWTH; AND (5) INSTALLING, MAINTAINING, AND OPERATING EFFICIENT WATER MEASURING DEVICES TO ASSURE COMPLIANCE WITH THE QUANTITY LIMITATIONS OF THIS PERMIT AND TO DETERMINE ACCURATELY WATER USE AS AGAINST REASONABLE WATER REQUIREMENTS FOR THE AUTHORIZED PROJECT. NO ACTION WILL BE TAKEN PURSUANT TO THIS PARAGRAPH UNLESS THE BOARD DETERMINES, AFTER NOTICE TO AFFECTED PARTIES AND OPPORTUNITY FOR HEARING, THAT SUCH SPECIFIC REQUIREMENTS ARE PHYSICALLY AND FINANCIALLY FEASIBLE AND ARE APPROPRIATE TO THE PARTICULAR SITUATION. (0000012)

10. PERMITTEE SHALL ALLOW REPRESENTATIVES OF THE STATE WATER RESOURCES CONTROL BOARD AND OTHER PARTIES AS MAY BE AUTHORIZED FROM TIME TO TIME BY SAID BOARD REASONABLE ACCESS TO PROJECT WORKS TO DETERMINE COMPLIANCE WITH THE TERMS OF THIS PERMIT. (0000011)

11. PERMITTEE SHALL, WHEN REQUIRED BY THE STATE WATER RESOURCES CONTROL BOARD, INSTALL AND MAINTAIN AN OUTLET PIPE OF ADEQUATE CAPACITY IN HIS DAM AS NEAR AS PRACTICABLE TO THE BOTTOM OF THE NATURAL STREAM CHANNEL, OR PROVIDE OTHER MEANS SATISFACTORY TO THE STATE WATER RESOURCES CONTROL BOARD, IN ORDER THAT WATER ENTERING THE RESERVOIR WHICH IS NOT AUTHORIZED FOR APPROPRIATION UNDER THIS PERMIT MAY BE RELEASED. (0050044)

12. IN ACCORDANCE WITH THE REQUIREMENTS OF WATER CODE SECTION 1393, PERMITTEE SHALL CLEAR THE SITE OF THE PROPOSED RESERVOIR OF ALL STRUCTURES, TREES AND OTHER VEGETATION WHICH WOULD INTERFERE WITH THE USE OF THE RESERVOIR FOR WATER STORAGE AND RECREATIONAL PURPOSES. (0120050)

13. STORAGE OF WATER SHALL NOT BE COMMENCED UNTIL THE DEPARTMENT OF WATER RESOURCES HAS APPROVED PLANS AND SPECIFICATIONS FOR THE DAM. (0360048)



14. FOR THE PROTECTION AND PRESERVATION OF FISHLIFE, PERMITTEE SHALL BYPASS AT THE MAXWELL CREEK DIVERSION SITE 7 CUBIC FEET PER SECOND OF WATER OR THE NATURAL FLOW, WHICHEVER IS LESS, FROM DECEMBER 1 THROUGH FEBRUARY 28 OF THE SUCCEEDING YEAR, AND 2.5 CUBIC FEET PER SECOND OR THE NATURAL FLOW, WHICHEVER IS LESS, FROM MARCH 1 THROUGH MAY 31; PROVIDED THAT THE PERMITTEE MAY DIVERT WATER FROM MAXWELL CREEK AT ANY TIME WHEN THE NATURAL FLOW IS SUCH THAT SURFACE HYDRAULIC CONTINUITY DOES NOT, OR WOULD NOT, EXIST BETWEEN POPE CREEK AND THE MAXWELL CREEK DIVERSION SITE. (014 0060)

15. NO WATER SHALL BE DIVERTED UNDER THIS PERMIT UNTIL PERMITTEE HAS INSTALLED A DEVICE, SATISFACTORY TO THE STATE WATER RESOURCES CONTROL BOARD, WHICH IS CAPABLE OF MEASURING THE FLOWS REQUIRED BY CLAUSE 14 OF THIS PERMIT. SAID MEASURING DEVICE SHALL BE PROPERLY MAINTAINED. (006 0062)

16. PERMITTEE IS HEREBY PUT ON NOTICE THAT THERE MAY BE YEARS WHEN WATER COLLECTED TO STORAGE UNDER THIS PERMIT WILL NOT BE WITHIN THE RESERVATION OF WATER ESTABLISHED FOR THE WATERSHED UPSTREAM FROM MONTICELLO RESERVOIR IN DECISION 869. DURING SUCH YEARS, UNLESS REPLACEMENT WATER IS PROVIDED ON AN EXCHANGE BASIS, PERMITTEE SHALL RELEASE WATER COLLECTED TO STORAGE UNDER THIS PERMIT DURING THE PRECEDING COLLECTION SEASON AT THE MAXIMUM PRACTICAL RATE TO FLOW INTO MONTICELLO RESERVOIR. (022 0086)

17. THE QUANTITY OF WATER DIVERTED UNDER THIS PERMIT AND UNDER ANY LICENSE ISSUED PURSUANT THERETO IS SUBJECT TO MODIFICATION BY THE STATE WATER RESOURCES CONTROL BOARD IF, AFTER NOTICE TO THE PERMITTEE AND AN OPPORTUNITY FOR HEARING, THE BOARD FINDS THAT SUCH MODIFICATION IS NECESSARY TO MEET WATER QUALITY OBJECTIVES IN WATER QUALITY CONTROL PLANS WHICH HAVE BEEN OR HEREAFTER MAY BE ESTABLISHED OR MODIFIED PURSUANT TO DIVISION 7 OF THE WATER CODE. NO ACTION WILL BE TAKEN PURSUANT TO THIS PARAGRAPH UNLESS THE BOARD FINDS THAT (1) ADEQUATE WASTE DISCHARGE REQUIREMENTS HAVE BEEN PRESCRIBED AND ARE IN EFFECT WITH RESPECT TO ALL WASTE DISCHARGES WHICH HAVE ANY SUBSTANTIAL EFFECT UPON WATER QUALITY IN THE AREA INVOLVED, AND (2) THE WATER QUALITY OBJECTIVES CANNOT BE ACHIEVED SOLELY THROUGH THE CONTROL OF WASTE DISCHARGES. (0000011)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: OCT 3 1974

STATE WATER RESOURCES CONTROL BOARD

R. L. Rosenberger
Chief, Division of Water Rights

P16674

7-22-82 asgd to Skalli Corporation